

Draft Minutes
Virginia Saltwater Fishing Tournament
Committee Meeting
November 30, 2005

Members Present

Claude Bain
David Elliott
Bill Hall
Jon Lucy
Ken Neill
Craig Paige
Charles Randolph
William Seymour
Christine Snook
Jerry Thrash
John Thurston

Members Absent

B. W. Beauchamp
Nancy Cobb

Public Attendees Speaking

Carolyn Brown
Paul Ewing
Jim Haydon
Debbie Hurst

At 6:45 pm Tournament Director Claude Bain welcomed the public to the meeting, noted the presence of a quorum of members, review the two agenda items to be considered and announced the start of the public comment period.

The first speaker was Debbie Hurst. Mrs. Hurst stated the annual species trophies were an important part of the program to recognize the “catch of a lifetime” for anglers. Concerning the issue of participation, she felt that no commercial fishing money goes into the licensing fund administered by the MRFAB and there was no need to include commercial fishermen in program and no need to expand participation to include commercial hook-and-line fishermen. She stated the program was losing its integrity and rules should remain as they are currently written, as a minimum. She stated the program should just be ended if the only other option was opening it up to further commercial participation.

The second speaker was Carolyn Brown who stated that she had asked for a further ban on commercial participation at the October meeting in an effort to “plug the dike” on problem entries; she felt expanding participation would just “open the dike” to further problems. She felt the recommendations to require affidavits was probably a good idea. She stated she would support whatever decision the VSWFT Committee made, but the result of the Committee actions would be judged a year from now. She stated she was skeptical the result would be positive, but hopeful that it would work. Mrs. Brown stated she was a member of the MRFAB which recommended expenditures of saltwater license funds, and there has been an ongoing controversy concerning fairness of fund expenditures – specifically, funding projects with MRFAB funds that benefit all resource users and all Virginia citizens without a commensurate funding contribution from commercial license funds. Recreational fishermen have funded a grossly

disproportionate share of projects benefiting all users. She felt that if commercial fishermen were to participate in VSWFT programs, they should be required to have an individual saltwater recreational fishing license in order to contribute to the MRFAB and VSWFT funding even if current VSWFT rules would not require an individual license (eg. they were fishing on a licensed charterboat, or licensed pier, etc.). She felt this was a needed “buy-in” to allow their participation in a 100% funded recreational program. With respect to the annual awards, Mrs. Brown felt the awards should continue as currently designed to provide the best recognition for a true fish of a lifetime.

Capt. Paul Ewing was the next to speak, and he stated he agreed with the Subcommittee recommendation and felt it (and the supporting statement) was well thought out and well done. He did not see how one group could be excluded from the program simply based upon choice of occupation. He did not agree with extra licensing requirement for commercial participation.

The final speaker was Jim Haydon, who stated the subcommittee did a fairly good job on establishing participation criteria and determining what should be done. However, he felt putting the criteria into practice would be difficult because there were so few ways to monitor or police it. He felt lie detectors for this type of program were ridiculous. Program is based upon integrity and that is what the program will have to live with. He generally supports the concept of requiring a license for participation concurring that the recreational support of many commercially important projects by the MRFAB has led to resentment among many recreational fishermen.

There was no further public comment, so Mr. Bain closed the public comment period and opened the general meeting.

Mr. Bain stated the Committee members had received minutes of the October 17th meeting and asked if there were any further corrections or additions, noting the corrections from Jerry Thrash had been incorporated into the minutes. None were noted; Jerry thrash moved to accept the minutes, seconded by Mr. Elliott and passed unanimously.

Mr. Bain introduced the issue of participation criteria for the programs of the VSWFT, including acknowledgements from the Committee that they had received and reviewed the recommendation of the Subcommittee. Mr. Bain handed out e-mailed comments received at the Tournament office and a copy of the comments on Tidal Fish regarding participation criteria. He also summarized the one comment made by telephone on the day of the meeting.

Charles Randolph began the discussion with support for subcommittee recommendations, while adding a separate recreational license for commercial fishermen was a good idea..

Jerry Thrash pointed out that commercial licenseholders already were required to have a recreational license when recreational fishing, unless fishing on recreationally licensed boat.

William Seymour stated there was confusion about the coverage of a charterboat license for fun fishing trips (trips without paying customers). Mr. Bain recognized Cheryl Paige, who asked about such coverage.

Mr. Bain stated the original legislation on licensing provided for charterboat licenses only to covering paying customers and technically charterboat captains and mates and anyone else on a “fun trip” would have to be covered by another license; however, this was never enforced in this manner. He further stated he believed this matter was corrected in the legislature a couple of years ago, and now the charterboat license acts to cover all fishermen on board the vessel.

Mr. Randolph asked for Carolyn Brown to clarify her statement to the Committee, specifically wanting to know if she felt commercial fishermen should be required to have their own individual license even when fishing on a licensed charterboat. Mrs. Brown confirmed this was her intent. Mr. Bain stated her request was to have commercial fishermen “buy into” the program with a required individual recreational license regardless of legal coverage under a blanket license or other exemption. This was confirmed by Mrs. Brown.

Jerry Thrash asked how could this requirement be “squared” when out-of-state people and other non-licensed angler were allowed participation in VSWFT programs under charterboat or private boat blankets. He did not feel this was a reasonable requirement.

Ken Neill asked how could you legally require one group of people based solely upon their occupation to have individual licenses, when all other people did not have to meet this criterion.

Mr. Bain stated that enforcing an individual licensing requirement would be impossible under the current system of licensing. There is no database of licenses at VDGIF, only boxes of paper sent quarterly by licensing agents. Thus, there is no way for VSWFT office to check the recreational licensing status of commercial fishermen (of any individual actually). That may change with the new computer based system being implemented at VDGIF in 2006, but cross-checking several thousand individuals would still be time consuming at a minimum and probably not possible until 2007 at earliest.

After some additional discussion about exclusion of commercial fishermen from the VSWFT programs, Mr. Bain stated that he had a problem with exclusion of an entire group of people based upon chosen occupation since the reason for the exclusion seems to the lack of honesty or integrity of the group. Program is based upon honesty of the participants, it paints the group with “too broad a brush” by impugning the trustworthiness of the whole group; he stated there are indeed people who take advantage of their position and act improperly, but the problem exists among other people and groups as well.

Several committee members commented upon the problem of singling out commercial fishermen, which led to discussion of the scope of the exclusion being discussed. Mrs.

Brown was recognized from attendees, and she stated the issue really centered upon commercial hook-and-line fishermen and holders of landings licenses who commercially hook-and-line fished beyond the three-mile limit due to past problems with program awards and differing regulation regimens that gave them an advantage. Steve Wray was recognized and stated only one group of commercials is currently excluded (comm.hook-and-line), and many of them participate in the recreational side of fishing as well.

Chris Snook stated that the Tournament is based upon integrity and we take the word of recreational fishermen now with regard to all release Citations; she added the integrity of the participants is critical to the success of the program and she did not feel it was appropriate to single out one group of people and thereby tarnish their reputation. She stated there were good and bad actors from both sides of the fence (recreational and commercial) and we should treat them equally. There was some general agreement among several Committee members with this sentiment.

Ken Neill raised the issue of required affidavits from all participants when a state record is application is processed. He raised the prospect for a state record application to be supported by affidavits and then a protest is filed and supported with affidavits, resulting in the Committee looking at a situation with “dueling affidavits”. He felt this situation called for lie detector testing. Jerry Thrash agreed this situation might call for lie detector testing as a means of assisting the Committee in getting to the truth in such situations.

Mr. Bain stated he has been adamantly opposed to polygraph (lie detector) examinations in a state-sponsored program especially mandatory testing, but he was not opposed to providing for the prospect of polygraph examinations when controversies develop that cannot be resolved by traditional investigation; the polygraph results would be another piece of evidence the Committee would have in such extraordinary circumstances to help them determine the validity of an entry.

Discussion ensued about the public sentiment about the proposed changes. Ken Neill stated an informal poll of Peninsula Saltwater Sportfishing Association members seemed split 50-50 on commercial participation or not before the subcommittee recommendation; the general feeling after the recommendation was that the proposal seemed fair. They wanted the annual trophies kept in the program.

Jim Haydon was recognized and suggested the proposal seemed to be well reasoned.

Mr. Bain asked the Committee for any further comments, and due to the lack of response suggested the subcommittee recommendation by reviewed point-by-point in an effort to get a consensus that could lead to a final motion on the matter.

On altering participation requirements to include everyone fishing recreationally and to exclude any fish caught on a commercial trip as defined by the subcommittee, the following comments were made:

Bill Hall asked if a customer on a headboat subsequently sold his catch, would that disqualify all other headboat patrons on the trip from earning Citations. Mr. Bain stated that by definition it would. Mr. Hall stated this could be a problem since the individual customers had no control over other customers and had a reasonable expectation the trip was recreational in nature. Mr. Seymour stated this was clearly not what was intended by the rules and should not exclude those fish. In practicality, there would be no way to track the individual customers once they leave the headboat landing area, so not going to be able to enforce such a prohibition; the intent is not to preclude individual headboat patrons due to other patrons actions and the rule should be interpreted in that manner.

Ken Neill asked if there were any contemplated changes to handling photographs as “proof” for Citations for anglers fishing alone. Mr. Bain stated that photos would still be accepted as long as they were submitted with application and sent to Tournament office.

On verification procedures for Citations and annual awards, the following comments were made:

Mr. Bain stated there were no additional requirements contemplated by the subcommittee for Citations or annual awards; merely signing the Citation application’s attesting statement (as is currently required) is all that is necessary; however, the wording of the attesting statement will be changed slightly.

Mr. Neill reiterated that an option for lie detector testing should be included in the Rules to help resolve legitimate disputes.

Mr. Randolph asked who would pay for polygraph testing; Mr. Bain stated the Tournament would have to pay for it.

On verification procedures for master/expert angler awards, the following comments were made:

Mr. Neill and Mr. Thrash stated requirements should be the same for all Participants; no special requirements for commercial license holders. General Agreement among Committee members that subcommittee recommendation should be amended to reflect this philosophy.

On verification procedures for state records, the following comments were made:

Mr. Paige stated the stricter requirements and affidavits recommended for all state record applications was fair; he felt the Tournament needed to do “all it can do” to verify information to be fair to applicant and the current recordholder. General agreement among Committee members.

Mr. Neill reiterated the need for option to use polygraph in Tournament programs, especially for state record controversies.

The Committee started deliberations towards developing a motion on participation. Mr. Neill stated he did not like the subcommittee recommendation on the annual awards, stating a separate, distinctive award should be maintained rather than a notation on the Citation. Craig Paige stated there should continue to be a special recognition ceremony for annual awards winners. Charles Randolph stated the winners should be recognized in the Tournament brochure.

Ken Neill developed a motion to keep the current distinctive award, in addition to the Citation plaque. This was seconded by David Elliott and passed 7-2.

Bill Hall then made a motion to adopt the subcommittee recommendation as amended by the previously passed motion to keep the annual awards and as modified during discussions to not require special verification for commercial license holders for master/expert angler programs. This was seconded by Ken Neill and adopted unanimously.

Ken Neill then moved to add a provision to Tournament rules allowing the use of a polygraph at any time at the discretion of the Committee and/or Director. This was seconded by Bill Hall and passed unanimously.

Mr. Bain introduced agenda item 2, the tabled discussion of the possibility of a change to the Citation minimum for spot for 2006.

Charles Randolph made a motion to change the minimum size for a spot Citation to 1 pound; the motion was seconded by Jerry Thrash. Discussion about the motion ensued.

Mr. Bain reviewed the spot fishery and Citation data for the 2005 season, detailing the 350+ Citations earned; the fact that more than 70% of the Citation fish were caught in late October in the lower James River-HRBT area, Lynnhaven Inlet & Rudee Inlet; the fact that the Rappahannock River fishery, which has been the major Virginia fishery in recent years, was not particularly good; that the Citation numbers could have approached 1000 this year with a Citation minimum of 1 pound if the ratio of fish 1 lb. 2oz. and larger to the number of fish under 1 lb., 2 oz of recent years remained the same; and, the fact that there was no real way to determine if the surge in spot Citations signaled the end of a population surge of 4-5 year old fish (maximum age of spot) and numbers of trophy fish would decline or if there were numbers of fish to “fill in” the large fish leaving the population.

Craig Paige stated the numbers of big fish were late coming but outstanding this year, and the Citation size was “right where it should be”. He also stated this was in keeping with having more Citation minimums represent true trophy-size fish.

David Elliott stated the minimum should be left at 1 lb., 2 oz., saying there was not a good reason to lower it and did not way to move Citation minimums up and down every year.

Mr. Randolph countered that despite the large numbers of Citations in recent year, history shows a 1-pound spot is a trophy fish.

Mr. Bain led the Committee through a review of the chart showing the Citation history for spot starting in 1958, with the Citation surge in the late 1970's, subsequent 20-year scarcity and the recent surge.

Mr. Thrash stated the spot is one of the few fish available for anglers above the York River that provide a reasonable chance to earn a Citation. They also have a fair chance for a flounder, croaker and striped bass, and that's about it. He added it is different for people in Hampton Roads who have access to so many more species and the spot Citation is just another species to "fill out their flush". Need to lower Citation minimum back to 1 pound.

Mr. Paige stated that he disagreed. A one-pound spot is not an outstanding catch at this time. He stated it is unfortunate people up the Bay do not have as easy access to many species of big fish, but if they have to come to the CBBT to catch big fish, then that is what they will have to do.

Mr. Bain then reviewed for new members some of the Tournament Committee's concerns about this problem, which has been extant for the last 15 years. He stated that Virginia is blessed with tremendous fisheries due to its geography, and the mouth of the Bay produces a diversity and quality of fisheries that is unique along the coast. The Committee has been aware for years of the need to keep Citation minimums high due to this quality fishing and it has the unfortunate consequence of putting Citations for many species almost out-of-reach for surf and pier anglers and for anglers fishing the tidal reaches of the Bay's rivers and the upper Bay. The Committee has searched for ways to provide access to the program for these anglers without any real success. He stated the additional of kingfish (roundhead) to the program was specifically targeting a fish surf and pier anglers had a good chance of catching, and despite low numbers of Citations there is no thought of removing the fish from the program because most are caught by these anglers. The Committee is aware of the issue Mr. Thrash raised, but has not been able to find a way to address it within the context of maintaining the integrity of a program to recognize true trophy catches.

Mr. Neill discussed the inability of the program to set Citations by area; one standard had to apply for the entire state.

Mr. Thrash then discussed the "relative" number of Citations for spot, indicating the numbers of Citation issued is not high relative to the total number of fish caught in the state. As an example, he used sheepshead, with a large percentage of the total catch actually large enough for Citations, while the total number of spot caught that are eligible

for Citations is a very small percentage of the total catch. He felt this indicated the spot Citation should be lowered, since the relative scarcity of Citation-size fish was very small compared to the total catch.

Mr. Randolph then added he lives on the Peninsula and travels quite a bit to fish for various species and to get Citation spot may require that some people travel farther to fish.

Mr. Thrash raised the issue of weighing fish in 1 ounce increments for Citations and much easier with the scales in use to have Citation measurements in 1 pound or ½ pound increments. There was general agreement with this analysis, but many on Committee did not feel this should be deciding factor in Citation size.

Mr. Randolph then raised the 13-inch release size for spot; stating he felt this might be too large. He saw numbers of 12.5 inch spot that weighed in the 1 lb. to 1 lb., 2 oz. range.

Mr. Paige stated the 13 inches was necessary to ensure the fish was Citation-size no matter how the person measured it. Mr. Neill added the 13-inch minimum was established on purpose – set high so the program would not be inundated with release awards. Mr. Bain agreed, adding most felt this panfish would not be released by the vast majority of people fishing for them.

Mr. Paige stated there was no need for a release award for spot, and he would be willing to make a motion to that effect.

Mr. Thrash agreed that a release Citation was not needed, but the Citation needed to be lowered to 1 pound, stating that is a trophy spot.

Ken Neill offered a substitute motion to the motion on the floor; offering to keep the Citation minimum at 1 lb., 2 oz. and abolish the release Citation for spot. This motion was seconded by Mr. Paige, and the substitute motion was accepted by the proposer of the original motion Mr. Randolph. The motion carried by a vote of 7-2.

Mr. Bain asked if there was any further business and none was proposed.

Bill Hall moved the meeting be adjourned; seconded by William Seymour and passed unanimously.